

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARRYL A. THORPE

v.

NANCY A. BERRYHILL,¹
Acting Commissioner of Social Security
Administration

CIVIL ACTION

NO. 16-3615

ORDER

AND NOW, this 6th day of March, 2017, upon consideration of Plaintiff's

Brief and Statement of Issues in Support of Request for Review, defendant's Response to Request for Review of Plaintiff, and plaintiff's reply thereto, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

O R D E R E D

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. Plaintiff's Request for Review is **GRANTED**, and the decision of the Commissioner of the Social Security Administration is **REVERSED** to the extent that the matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with United States Magistrate Judge Thomas J. Rueter's Report and Recommendation.

¹ On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of the Social Security Administration. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted as the defendant in this case.

3. Judgment is entered in favor of plaintiff, reversing the decision of the Commissioner for the purpose of this remand only

BY THE COURT



WENDY BEETLESTONE, J.